

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 04-CR-10168-PBS
	)	
v.	)	<b>VIOLATIONS:</b>
	)	
(1) ADAM ELLARD	)	21 U.S.C. § 846 -
(2) WILLIE HESTER	)	Conspiracy to Possess with Intent
(3) TAVON ROBINSON	)	to Distribute, and to Distribute,
(4) STEVEN TUCKER	)	Cocaine
	)	
Defendants.	)	21 U.S.C. § 841(a)(1) -
	)	Possession With Intent To
	)	Distribute and Distribution of
	)	Cocaine Base
	)	
	)	21 U.S.C. § 841(a)(1) -
	)	Possession With Intent To
	)	Distribute and Distribution of
	)	Cocaine
	)	
	)	18 U.S.C. § 2 -
	)	Aiding and Abetting
	)	
	)	18 U.S.C. § 922(g)(1) -
	)	Felon in Possession of a Firearm
	)	
	)	18 U.S.C. § 924(c)(1) - Possession
	)	of a Firearm in Furtherance of
	)	a Drug Trafficking Offense
	)	
	)	21 U.S.C. § 853 -
	)	Criminal Forfeiture Allegation

**SUPERSEDING INDICTMENT**

**COUNT ONE:** (21 U.S.C. § 846 - Conspiracy to Possess with  
Intent to Distribute and to Distribute Cocaine)

The Grand Jury charges that:

In or about April 2004, at Boston and elsewhere in the  
District of Massachusetts,

**1. ADAM ELLARD,**

2. WILLIE HESTER,
3. TAVON ROBINSON, and
4. STEVEN TUCKER,

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with other persons unknown to the Grand Jury, to distribute and to possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO: (21 U.S.C. §841(a)(1) - Possession with Intent to Distribute and Distribution of Cocaine Base)**

The Grand Jury further charges that:

On or about March 9, 2004, at Boston, in the District of Massachusetts,

**1. ADAM ELLARD,**

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, cocaine base, commonly known as "crack" cocaine, a Schedule II controlled substance.

The Grand Jury further charges that the offense described herein involved 5 grams or more of a mixture or substance containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(B)(iii).

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THREE:** (21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute and Distribution of Cocaine; 18 U.S.C. § 2 - Aiding and Abetting)

The Grand Jury further charges that:

On or about April 12, 2004, at Boston, in the District of Massachusetts,

1. ADAM ELLARD,
2. WILLIE HESTER,
3. TAVON ROBINSON, and
4. STEVEN TUCKER,

defendants herein, did knowingly and intentionally distribute and possess with intent to distribute cocaine, a schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FOUR: (18 U.S.C. § 922(g)(1) - Felon in Possession of Firearms)**

The Grand Jury further charges that:

On or about April 12, 2004, at Boston, in the District of Massachusetts,

**3. TAVON ROBINSON,**

defendant herein, did knowingly and intentionally possess firearms, to wit: (1) a Ruger P89, nine-millimeter semi-automatic pistol bearing serial number 315-10946 and (2) a Lorcin nine-millimeter semi-automatic pistol bearing serial number L105037, in and affecting foreign and interstate commerce, after having been convicted in a court of a crime punishable by a term exceeding one year.

All in violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FIVE: (18 U.S.C. § 924(c) (1) (A) - Possession of a  
Firearm In Furtherance of a Drug Trafficking  
Offense)**

The Grand Jury further charges that:

On or about April 12, 2004, at Boston, in the District of  
Massachusetts,

**3. TAVON ROBINSON,**

defendant herein, did knowingly and intentionally possess  
firearms, to wit: (1) a Ruger P89, nine-millimeter semi-automatic  
pistol bearing serial number 315-10946 and (2) a Lorcin nine-  
millimeter semi-automatic pistol bearing serial number L105037,  
in furtherance of drug trafficking crimes, to wit: the offenses  
alleged in Counts One and Three of this Indictment.

All in violation of Title 18, United States Code, Section  
924(c) (1).

**FORFEITURE ALLEGATION:** (21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 3 of this Indictment,

1. ADAM ELLARD,
2. WILLIE HESTER,
3. TAVON ROBINSON, and
4. STEVEN TUCKER,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any

other property of the defendants up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.



**NOTICE OF ADDITIONAL FACTORS**

The grand Jury further finds:

1. As to the offenses charged in Counts One through Three of this Indictment and relevant conduct as described in U.S.S.G. §1B1.3, the defendant Adam Ellard is accountable for a quantity of cocaine base ("crack") and cocaine that, when converted to marijuana as provided by USSG § 2D1.1 (drug equivalency table), is equivalent to at least 100 kilograms of marijuana but less than 400 kilograms of marijuana. Accordingly, USSG § 2D1.1(c)(7) applies to this defendant.

2. The defendant ADAM ELLARD, at the time of the offenses charged in this indictment, was a career offender. Accordingly, USSG §2D1.1 applies to this defendant.

3. As to the offenses charged in Counts One and Three of this Indictment and relevant conduct as described in U.S.S.G. §1B1.3, the defendant Willie Hester is accountable for at least 25 grams but less than 50 grams of cocaine. Accordingly, USSG § 2D1.1(c)(13) applies to this defendant.

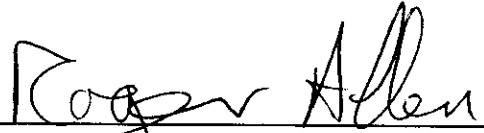
4. As to the offenses charged in Counts One and Three in this Indictment, the defendant Willie Hester was an organizer, leader, manager, and supervisor of a criminal activity that involved five or more participants and was otherwise extensive. Accordingly, USSG §3B1.1(a) applies to this defendant.

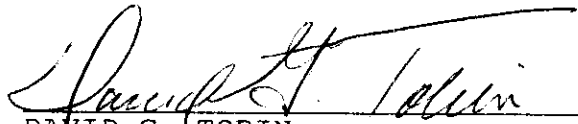
5. As to the offenses charged in Counts One and Three

of this Indictment and relevant conduct as described in U.S.S.G. §1B1.3, the defendant Tavon Robinson is accountable for at least 25 grams but less than 50 grams of cocaine. Accordingly, USSG § 2D1.1(c)(13) applies to this defendant.

6. As to the offenses charged in Counts One and Three of this Indictment and relevant conduct as described in U.S.S.G. §1B1.3, the defendant Steven Tucker is accountable for at least 25 grams but less than 50 grams of cocaine. Accordingly, USSG § 2D1.1(c)(13) applies to this defendant.

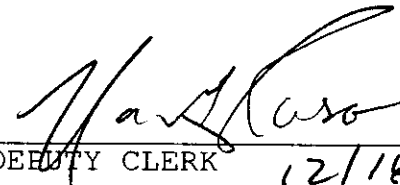
TRUE BILL

  
FOREPERSON OF THE GRAND JURY

  
DAVID G. TOBIN  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; December \_\_, 2004.

Returned into the District Court by the Grand Jurors and  
filed.

  
DEPUTY CLERK 12/16/04  
at 3:55 PM

**Criminal Case Cover Sheet****U.S. District Court - District of Massachusetts**Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency DEACity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. X Case No. 04-CR-10168 PBS  
Same Defendant X New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-817-MBB  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Tavon Robinson Juvenile ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address 150 Staniford Street, Boston, MABirth date (Year only): 1979 SSN (last 4 #): 9049 Sex M Race: Black Nationality: USADefense Counsel if known: Roger Cox, Esquire Address: 30 Main Street, Suite 9  
Ashland, MA

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Michael J. Pelgro; David G. Tobin Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: April 12, 2004☒ Already in Federal Custody as April 13, 2004 in USMS☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 4 counts

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: Dec. 16, 2004 Signature of AUSA: David G. Tobin

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Tavon Robinson

## U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21/846</u>	<u>Conspiracy To Distribute Cocaine</u>	<u>One</u>
Set 2	<u>21/841(a)(1) and 18/2</u>	<u>Distribution of Cocaine – Aiding and Abetting</u>	<u>Three</u>
Set 3	<u>18/922(g)(1)</u>	<u>Felon In Possession Of Firearms</u>	<u>Four</u>
Set 4	<u>18/924(c)(1)</u>	<u>Possession/Firearms/Furtherance/Drug/Traffick</u>	<u>Five</u>
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: \_\_\_\_\_

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Same Defendant X New Defendant \_\_\_\_\_  
Magistrate Judge Case Number 04-817-MBB  
Search Warrant Case Number \_\_\_\_\_  
R 20/R 40 from District of \_\_\_\_\_**Defendant Information:**Defendant Name Willie Hester Juvenile ☐ Yes ☒ NoAlias Name "Little Willie Hester"Address 151 Broadway, Everett, MABirth date (Year only): 1984 SSN (last 4 #): 0718 Sex M Race: Black Nationality: USADefense Counsel if known: Syrie Fried, Esquire Address: Federal Defender Office  
Boston, MA

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Michael J. Pelgro; David G. Tobin Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: April 12, 2004☒ Already in Federal Custody as April 13, 2004 in USMS☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2 counts

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JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): \_\_\_\_\_

Name of Defendant Willie Hester

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Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
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Search Warrant Case Number \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**Defendant Name Adam Ellard Juvenile: ☐ Yes ☒ No

Alias Name \_\_\_\_\_

Address Shepton Street, Dorchester, MABirthdate: 1972 SS # 9734 Sex: Male Race: Caucasian Nationalit USADefense Counsel if known: James J. Coviello, Esquire Address 281 Beach StreetBar Number \_\_\_\_\_ Revere, MA**U.S. Attorney Information:**AUSA Michael J. Pelgro; David G. Tobin Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date April 12, 2004☒ Already in Federal Custody as of April 13, 2004 in USMS☐ Already in State Custody at \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by: \_\_\_\_\_ on \_\_\_\_\_Charging Document: Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 3 counts

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**District Court Case Number** (To be filled in by deputy clerk): \_\_\_\_\_**Name of Defendant** Adam Ellard**U.S.C. Citations**

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Set 3	<u>21/841(a)(1) &amp; 18/2</u>	<u>Distribution of Cocaine – Aiding and Abetting</u>	<u>Three</u>
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Alias Name \_\_\_\_\_

Address 289 Merrimack Street, #6, Manchester, NHBirth date (Year only): 1985 SSN (last 4 #): 1796 Sex M Race: Black Nationality: USADefense Counsel if known: Matthew Feinberg, Esquire Address: 125 Summer Street  
Boston, MA

Bar Number: \_\_\_\_\_

**U.S. Attorney Information:**AUSA Michael J. Pelgro; David G. Tobin Bar Number if applicable \_\_\_\_\_Interpreter: ☐ Yes ☒ No List language and/or dialect: \_\_\_\_\_Matter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: April 12, 2004☒ Already in Federal Custody as April 13, 2004 in USMS☐ Already in State Custody \_\_\_\_\_ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document: ☐ Complaint ☐ Information ☒ IndictmentTotal # of Counts: ☐ Petty \_\_\_\_\_ ☐ Misdemeanor \_\_\_\_\_ ☒ Felony 2 counts

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Name of Defendant Steven Tucker

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